



General Assembly

**Substitute Bill No. 6143**

January Session, 2009

\* \_\_\_\_\_ HB06143HSG\_\_031609\_\_\_\_\_ \*

**AN ACT CONCERNING PROTECTIONS FOR A TENANT WHOSE  
LANDLORD IS SUBJECT TO A FORECLOSURE ACTION.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective from passage and applicable to judgments of*  
2       *foreclosure entered into on or after said date*) A judgment of foreclosure of  
3       a mortgage on real property containing one or more dwelling units  
4       shall not terminate a rental agreement for a dwelling unit that was  
5       entered into between the mortgagor or the mortgagor's agent and a  
6       tenant prior to the commencement of the foreclosure action and no  
7       execution of ejectment may be issued pursuant to section 49-22 of the  
8       general statutes, as amended by this act, prior to the expiration of such  
9       rental agreement and no summary process action may be commenced  
10      prior to the expiration of such rental agreement on the grounds that  
11      the tenant no longer has the right or privilege to occupy the premises  
12      as a result of such judgment of foreclosure.

13      Sec. 2. (NEW) (*Effective from passage*) (a) Whenever a mortgage or  
14      lien of residential real property has been foreclosed and there is a bona  
15      fide tenant, as defined in section 47a-20e of the general statutes, in  
16      possession on the date absolute title to the property vests in the  
17      mortgagee, lienholder or successor in interest, no summary process  
18      action pursuant to chapter 832 of the general statutes may be

19 maintained by the foreclosing party and no execution of ejectment  
20 pursuant to section 49-22 of the general statutes, as amended by this  
21 act, against such tenant may be applied for by or issued to the  
22 foreclosing party against such tenant except (1) for a reason set forth in  
23 subsection (b) of section 47a-23c of the general statutes, or (2) on the  
24 grounds that the foreclosing entity has entered into a bona fide  
25 contract to sell the premises in which the buyer has required that the  
26 building be vacant as a condition of the sale. Any dispute about the  
27 amount of rent to be paid during this period of occupancy may be  
28 resolved in accordance with subsection (c) of section 47a-23c of the  
29 general statutes.

30 (b) The provisions of this section shall not be construed to reduce or  
31 supersede the rights of a tenant under section 47a-20e of the general  
32 statutes. The provisions of this section or section 47a-20e of the general  
33 statutes, shall not be construed to reduce or supersede the rights of any  
34 tenant under section 47a-23c of the general statutes to remain in  
35 occupancy without regard to foreclosure or under any other law that  
36 protects the right of a tenant to remain in occupancy without regard to  
37 foreclosure.

38 Sec. 3. Subsection (a) of section 49-22 of the general statutes is  
39 repealed and the following is substituted in lieu thereof (*Effective from*  
40 *passage and applicable to judgments of foreclosure entered into on or after said*  
41 *date*):

42 (a) In any action brought for the foreclosure of a mortgage or lien  
43 upon land, or for any equitable relief in relation to land, the plaintiff  
44 may, in his complaint, demand possession of the land, and the court  
45 may, if it renders judgment in his favor and finds that he is entitled to  
46 the possession of the land, issue execution of ejectment, commanding  
47 the officer to eject the person or persons in possession of the land and  
48 to put in possession thereof the plaintiff or the party to the foreclosure  
49 entitled to the possession by the provisions of the decree of said court,  
50 provided no execution shall issue against any person in possession  
51 [who is not a party to the action] except a transferee or lienor who is

52 bound by the judgment by virtue of a lis pendens. The officer shall  
 53 eject the person or persons in possession and may remove such  
 54 person's possessions and personal effects and set them out on the  
 55 adjacent sidewalk, street or highway.

56 Sec. 4. (NEW) (*Effective from passage and applicable to judgments of*  
 57 *foreclosure entered into on or after said date*) Notwithstanding any other  
 58 provision of the general statutes, the holder of a first mortgage on real  
 59 property containing one or more dwelling units who has initiated an  
 60 action to foreclose the mortgage shall be responsible for making  
 61 emergency repairs to such real property during the pendency of the  
 62 foreclosure action if the owner of such real property fails to make the  
 63 repairs. The owner of the real property shall be liable to the entity  
 64 making the repairs for the cost of such repairs.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage and applicable to judgments of foreclosure entered into on or after said date</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage and applicable to judgments of foreclosure entered into on or after said date</i>	49-22(a)
Sec. 4	<i>from passage and applicable to judgments of foreclosure entered into on or after said date</i>	New section

**HSG**      **Joint Favorable Subst.**